

FILED

JUL 1 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, ) No. CR 11-00360 CW (DMR)  
Plaintiff, )  
v. ) DETENTION ORDER  
JONATHAN ANTONIO SERPA, )  
Defendant. )  
\_\_\_\_\_  
)

I. DETENTION ORDER

Defendant Jonathan Antonio Serpa is charged in an indictment with a violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). On June 30, 2011, Defendant made his initial appearance; the United States moved for Defendant's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the July 1, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse

DETENTION ORDER

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cc: Copy to parties via ECF, 2 Certified copies to U.S. Marshal, Nikki,  
Pretrial Services

1 witnesses, and to present information by proffer or otherwise), and retained his right to proffer  
2 relevant information at a later hearing.

3 The Court reviewed both the criminal record check as well as the information contained  
4 in the sworn affidavit supporting the May 13, 2011 criminal complaint in this matter. After  
5 considering the limited information presently available to the Court, as well as the factors set  
6 forth in 18 U.S.C. § 3142(g), the Court detains Defendant because it appears that no condition or  
7 combination of conditions will reasonably assure the safety of other persons and the community  
8 if he were to be released from custody at this time. *See* 18 U.S.C. §§ 3142(e) and (f); *United*  
9 *States v. Motamedei*, 767 F.2d 1403, 1406 (9th Cir. 1985).

10 II. CONCLUSION

11 The Court detains Mr. Serpa. Because Defendant waived his right to present information  
12 under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the  
13 Court orders that the hearing may be reopened at Defendant's request at any future time.

14 Mr. Serpa shall remain committed to the custody of the Attorney General for confinement  
15 in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
16 sentences or being held in custody pending appeal. Defendant shall be afforded reasonable  
17 opportunity for private consultation with counsel. On order of a court of the United States or on  
18 request of an attorney for the Government, the person in charge of the corrections facility in  
19 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose  
20 of an appearance in connection with a court proceeding.

21 IT IS SO ORDERED.

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24 DATED: July 1, 2011  
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DONNA M. RYU  
United States Magistrate Judge